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**JOYCE CROSTHWAITE**  
Executive Officer

March 8, 2006

**TO:** Local Agency Formation Commission

**FROM:** Executive Officer  
Project Manager

**SUBJECT:** "Proposed Planning Areas 5B and 9B Annexation to the City of Irvine" (CA 05-61)

**APPLICANT**

The Irvine Company by landowner petition with 100 percent property owner consent.

**PURPOSE OF PROPOSAL**

This territory represents the last remaining planning areas the Irvine Company/Irvine Community Development Company intends to annex to the City of Irvine. The proposed annexation consists of approximately 741 acres of unincorporated territory within the sphere of influence of the City of Irvine. If annexed, the City would provide the majority of municipal services to the property including police, general administrative functions, planning and community development, public works, parks and recreation. The Irvine Ranch Water District would be the water and sewer provider to the areas. A variety of residential uses is planned for the territory.

**LOCATION**

The territory proposed for annexation is considered part of the city's Northern Sphere Area. The territory is generally located south of Portola Parkway, west of the Eastern Transportation Corridor (SR-133), north of Irvine Boulevard and east of Streamwood, Diamante and Alba streets. The 5B portion of the proposed annexation area is located adjacent to the existing Northwood residential community. The proposed annexation area is surrounded on three sides by the City of Irvine. (See Attachment A, project location map.)

## **LAND USE**

Current land use of the territory is agriculture. Existing County General Plan land use designations include suburban residential and employment. The City has rezoned the area as medium density residential. The entire 741-acre proposed annexation area is considered "Important Farmland" based on the Orange County Important Farmland 2004 Map published in 2005 by the state Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) with approximately 40 percent of the site being designated as Prime Farmland and 60 percent designated as Unique Farmland. However, the entire area is located within the FMMP overlay designation of Land Committed to Nonagricultural use, formally recognizing that the area will be converted from agriculture to nonagricultural uses.

Existing surrounding land uses include: Residential development to the north and south and west and the recently annexed planning area 6 in the City of Irvine to the east.

## **ENVIRONMENTAL REVIEW**

Two separate environmental documents are associated with the California Environmental Quality Act ("CEQA") review of these two planning areas. On June 14, 2005, the City of Irvine as lead agency certified an Environmental Impact Report (EIR) for Planning Area 1, 2 and Portion of Planning Area 9 (9B) in accordance with the California Environmental Quality Act. CEQA review for Planning Area 5B was included in the Northern Sphere Environmental Impact Report (EIR) that was certified by the City of Irvine on June 4, 2002. The CEQA documents address zone changes, general plan amendments, and annexations of the planning areas in the northwestern section of the city's sphere of influence, including Planning Areas 5B and 9B. The Commission, as a responsible agency, may review and consider these documents regarding the proposed annexation. The City Council resolutions certifying the CEQA documents and related Findings of Fact and Statement of Overriding Considerations are attached to this report as Attachment B. The full EIR for both projects are available in the LAFCO office for Commission review.

## **REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)**

No reallocation of Regional Housing Needs Assessment (RHNA) is proposed by the City of County as part of this annexation application.

## **PROPERTY TAX**

The City of Irvine and County of Orange have agreed to a transfer of property tax revenues for Planning Areas 5B and 9B in accordance with their Master Property Tax Exchange Agreement adopted on October 28, 1980. The agreement allocates approximately 18 percent of the property tax revenue to the City of Irvine and 82 percent to the County of Orange.

## **RECOMMENDATIONS**

Planning Areas 5B and 9B annexation is consistent with the LAFCO-adopted sphere of influence for the City of Irvine and is the next logical extension of the city's boundaries and municipal services to the City's northerly developing areas. Staff recommends that the Commission:

1. Make findings pursuant to State CEQA Guidelines Sections 15096(g)(2) and 15096(h), that the Commission has considered the EIR prepared by the City of Irvine for Planning Areas 1 and 2 and a Portion of 9 (Area 9B) and the EIR prepared for the City of Irvine for the Northern Sphere Area, and did not find any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the projects would have on the environment, and that it has considered findings (Attachment "B") made by the City of Irvine for the EIRs pursuant Sections 15091 and 15093, incorporated herein by this reference and adopted by the Commission as though fully set forth herein.
2. Adopt the resolution (Attachment C) approving the "Planning Areas 5B and 9B Annexation to the City of Irvine" (CA 05-61) subject to the following terms and conditions:
  - a. Payment of County Clerk-Recorder and State Board of Equalization fees.
  - b. Upon annexation of the territory to the city, all right, title, and interest of the County, including the underlying fee title where owned by the County in any and all public roads, bridges, storm drains, sidewalks, trails, landscaped areas, street lights, open space, and local parks shall vest in the City, except for those properties to be retained by the County and specifically listed in these terms and conditions, if any. The City shall assume ownership and maintenance responsibility upon the effective date of annexation.
  - c. Upon the effective date of annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, appurtenant facilities (except for regional flood control channels), site drainage, and all master plan storm drain facilities that are within the annexation area and are County (OCFCD) operated and maintained; (2) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (3) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which

OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review and require execution of agreement for acceptance of the facility design and construct necessary flood facilities to the satisfaction of Orange County (OCFCD); (4) direct the developer to enter into agreement with Orange County Flood Control District for acceptance and maintenance of flood control facilities.

- d. Upon annexation of the property to the City of Irvine, the city's existing citywide Street Lighting, Landscaping and Park Maintenance Assessment District (LLPMA) shall be extended to include the subject property.
- e. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- f. The effective date shall be the date of recordation.

Respectfully submitted,

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JOYCE CROSTHWAITE

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KIM KOEPPEN



Attachments:   A. Location Map  
                    B. Environmental Documents:  
                        Council Resolutions Certifying EIRs  
                        Findings of Fact/Statements of Overriding Considerations  
                    C. LAFCO Resolution

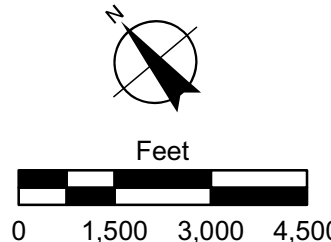
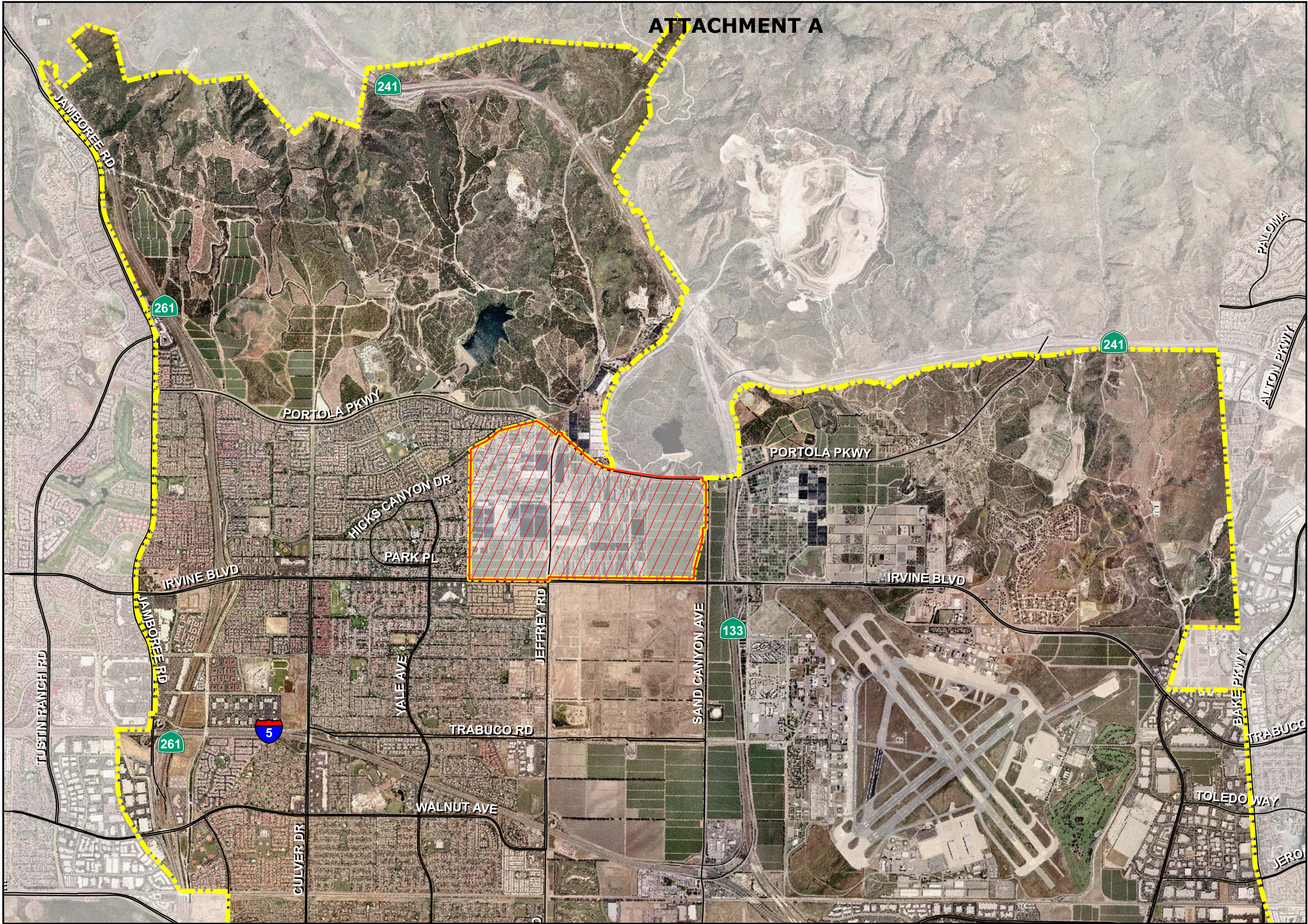


ATTACHMENT A

ANNEXATION  
NO. CA 05-61  
Location Map

Legend

-  Proposed Annexation
-  City of Irvine





# **ATTACHMENT B –**

The Commission received the environmental documents related to the Planning Area 5B & 9B Annexation to the City of Irvine (CA 05-61) as "Attachment B" to the staff report. These included the city council resolutions certifying the Environmental Impact Reports, as well as the Findings of Fact and Statements of Overriding Consideration.

Due to the voluminous file size of these documents, staff has opted not to post them to the Web. The documents are, however, available upon request.

Please contact LAFCO staff at (714) 834-2556.

**CA 05-61**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA  
MAKING DETERMINATIONS AND APPROVING THE  
PLANNING AREA 5B & 9B ANNEXATION TO THE CITY OF IRVINE**

**March 8, 2006**

On motion of Commissioner \_\_\_\_\_, duly seconded and carried, the following resolution was adopted:

WHEREAS, the proposed annexation to the City of Irvine, designated as “Planning Area 5B & 9B Annexation to the City of Irvine” (CA 05-61), was heretofore filed with and accepted for filing on March 1, 2006 by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 et seq of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658 set March 8, 2006 as the hearing date of this proposal; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665 has reviewed this proposal and prepared a report including her recommendation thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission on March 8, 2006 considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

WHEREAS, this Commission called for and held a public hearing on the proposal on March 8, 2006, and at the hearing, this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission has fulfilled its obligations as a responsible agency as defined by the California Environmental Quality Act and has reviewed and considered Environmental Impact Report (EIR) for Planning Area 1, 2 and Portion of Planning Area 9 (9B) certified by the City of Irvine as the lead agency on June 14, 2005, as well as the Northern Sphere Environmental Impact

Report (EIR) that was certified by the City of Irvine for Planning Area 5B on June 4, 2002, and has made findings pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange based on the findings, discussion and conclusions set forth in the Executive Officer's report, which is incorporated herein by this reference, DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

Section 1. Pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines, the Commission has considered Environmental Impact Report (EIR) for Planning Area 1, 2 and Portion of Planning Area 9 (9B) and the Northern Sphere Environmental Impact Report (EIR) certified by the City of Irvine as the lead agency, and finds as follows:

- a) No feasible alternative or feasible mitigation measures within its powers would substantially lessen or avoid any significant effect the project would have on the environment.
- b) The Commission has considered findings made by the City of Irvine for the EIRs pursuant to Sections 15091 and 15093 and the summary of impacts, irreversible environmental changes and mitigation measures, adopted by the City of Irvine, which findings are hereby incorporated herein by this reference and adopted by the Commission as though fully set forth herein.

Section 2. The proposal is approved subject to the following terms and conditions:

- a) Payment of County Clerk-Recorder and State Board of Equalization fees.
- b) Upon annexation of the territory to the city, all right, title, and interest of the County, including the underlying fee title where owned by the County in any and all public roads, bridges, storm drains, sidewalks, trails, landscaped areas, street lights, open space, and local parks shall vest in the City, except for those properties to be retained by the County and specifically listed in these terms and conditions, if any. The City shall assume ownership and maintenance responsibility upon the effective date of annexation.
- c) Upon the effective date of annexation, the City shall do the following: (1)



assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, appurtenant facilities (except for regional flood control channels), site drainage, and all master plan storm drain facilities that are within the annexation area and are County (OCFCD) operated and maintained; (2) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (3) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review and require execution of agreement for acceptance of the facility design and construct necessary flood facilities to the satisfaction of Orange County (OCFCD); (4) direct the developer to enter into agreement with Orange County Flood Control District for acceptance and maintenance of flood control facilities.

- d) Upon annexation of the property to the City of Irvine, the city's existing citywide Street Lighting, Landscaping and Park Maintenance Assessment District (LLPMA) shall be extended to include the subject property.
- e) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- f) The effective date shall be the date of recordation.

Section 3. The annexing area is found to be uninhabited, is within the County of Orange, and is assigned the following distinctive short-form designation: "Planning Area 5B & 9B Annexation to the City of Irvine" (CA 05-61).

Section 4. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

STATE OF CALIFORNIA )

) SS.

COUNTY OF ORANGE )

I, ROBERT BOUER, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 8<sup>th</sup> day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of March, 2006.

ROBERT BOUER  
Chair of the Orange County  
Local Agency Formation Commission

By: \_\_\_\_\_

Robert Bouer